

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3574 OF 2004

IN

SUIT NO.4667 OF 2000

...

Mrs.Rabia Abdul Gani ...Plaintiff

v/s.

S.P.Sharma & another ...Defendants

...

None for the Plaintiff.

Mr.Chetan Kapadia i/b Harakchand & Co. for the
Defendant No.2.

...

CORAM: D.K.DESHMUKH, J.

DATED: 8TH DECEMBER, 2005

P.C.:

1. This Notice of Motion is taken out by the Defendant No.2. Heard the learned Counsel for the Defendant No.2. Plaintiff, though served, is not appearing. No reply is filed. The Defendant No.1 has also not filed any reply. Perused the orders dated 2nd December, 2002 and 30th September, 2004 passed by this court in Notice of Motion No.3232 of 2002. This Notice of Motion has been taken out pursuant to the liberty granted by the order dated 30th September, 2004. In the absence of any reply, controverting the averments made in the affidavit filed in support of the Notice of Motion, accepting those averments at their face value, motion is granted in terms of prayer clause (a). Motion disposed of.

2. The learned Counsel appearing for the Defendant No.2 states that he does not press all the reliefs claimed by prayer clause (b) of this Notice of Motion and that he deserves liberty to take out appropriate proceedings at the appropriate stage.

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